



PLANNING COMMISSION

MINUTES

December 8, 2010

7:30 P.M.

CITY OF FREDERICKSBURG
715 PRINCESS ANNE STREET
COUNCIL CHAMBERS

COMMISSION MEMBERS

Roy McAfee, Chair
Dr. Roy Gratz, Vice-Chair
Berkley Mitchell, Secretary
Susan Spears
Ricardo Rigual - Absent
Edward Whelan, III
Shawn Lawrence

CITY STAFF

Ray Ocel, Director of Planning
Doug Fawcett, Director of Public Works
Kevin Utt, B&DS

1. CALL TO ORDER

The December 8, 2010 Planning Commission meeting was called to order at 7:30 p.m. by Chairman Roy McAfee.

2. PLEDGE OF ALLEGIANCE

3. ADOPTION OF MINUTES

- The November 10, 2010 – Approved/adopted as submitted.

UNFINISHED BUSINESS ACTION ITEMS

Dr. Gratz asked that the rules be suspended and made a motion to have Item 5 on the agenda heard before Item 4.

Mr. Whelan seconded the motion.

Motion carried by a unanimous voice vote of 6 – 0.

4. Southern Style Salon, located at 1701 Princess Anne Street is requesting approval for a sign. This property is located within the Princess Anne Street Gateway Corridor Overlay District and signs must be approved by the Planning Commission based upon the Princess Anne Street Gateway Corridor Overlay District Guidelines and regulations found in Division 27 of the Zoning Ordinance.

Mr. Whelan recused himself from discussion and vote on this item due to a conflict of interest.

Mr. Ocel presented the application.

Dr. Gratz asked if both signs would remain should this request for the new sign be approved.

Mr. Ocel said yes, the current sign would remain and that this application is for the second sign.

Dr. Gratz made a motion to approve the sign application request.

Mr. Lawrence seconded the motion.

Motion carried by a vote of 5 – 0 – 1 (with Mr. Whelan abstaining).

- 5. SUB2010-01 - Preliminary Subdivision Plat: Fredericksburg Park, LLC located off of Lafayette Boulevard.** Proposed new construction of an 88-lot single family cluster home subdivision to be located on a 28.8873 acre parcel off of Lafayette Boulevard just west of the Blue/Grey Parkway near the entrance to the Battlefield Park. The property is located on Tax Map A15, Parcel P6 with 22.2880 acres Zoned R-4 and 6.5993 acres Zoned I-1 for a total of 28.8873 acres.

Mr. Ocel provided an update since the public hearing on this application. Specifically, he noted that at its November 10th meeting, the Planning Commission voted to defer action on the proposed preliminary cluster subdivision plat after closing the public hearing. The Commission requested that Kimley/Horn and Associates review the most recent plat and the proposed location of the vehicular access point onto Lafayette Boulevard as presented to the Commission as option 3 at the meeting.

Doug Fawcett, Public Works Director set up a meeting for November 22nd that staff, the applicant and his civil engineer, Russ Smith of the National Park Service, Lloyd Robinson and Andy Waple of FAMPO, and David Whyte and Todd Chavers of Kimley-Horn attended to discuss the proposed vehicular access point on Lafayette Boulevard.

Mr. Smith noted his concerns (sight lines, aesthetic and safety concerns) with the placement of the new vehicular access point across from the southern entrance to the Park. It was noted that placement of the new vehicular access point would only affect one of the four turning movements coming into and out of the Park at its two access points on Lafayette Boulevard. The one movement that will be affected is the left turn at the southern access point exiting the Park when the intersection becomes signalized. Vehicle movement exiting the Park at this location will be controlled by a signal. Mr. Whyte noted that the use of berms, landscaping and brown/black color traffic poles and signals would lessen any aesthetic impact on Park visitors and that he is aware that the use similar improvements has been done in/adjacent to other Park locations.

Mr.'s Whyte and Chavers noted that the proposed vehicular access point is located in an area that provides safe access to and from the site as well as to and from the Park and travellers on Lafayette Boulevard as a whole. They also noted that the location is in keeping with the overall Lafayette Boulevard Corridor Study. The main vehicular access point shown in the Study locates it north of the proposed location, or closer to Alum Spring Road. But due to the Fredericksburg Park plan changing, it is no longer the preferred location. At the time the Study was being conducted a few years ago, the applicant was moving forward with a mixed use plan for the entire 45 acre site and working closely with Kimley/Horn and the NPS to locate the new signalized intersection.

Mr. Chavers noted that locating the proposed access point opposite the southern entrance versus the northern entrance to the Park, leaves the balance of the Fredericksburg Park site larger and less interrupted, which will permit a greater degree of layout options of the vacant land in the future.

The group also discussed limiting the proposed subdivision to a single right in/right out access point and Mr. Whyte and Mr. Chavers were asked their opinion of this option. Mr. Whyte summed up their response as follows, but noted that their analysis was prepared without the benefit of a full detailed traffic analysis. For the Commissioners information, a full detailed traffic analysis is not required for a single family subdivision.

From a pure traffic engineering perspective, with a focus on access management, I like the idea of the right-in/right-out access condition. Being practical and understanding local context with regard to street connectivity and general traffic issues, I am less comfortable with a scenario that limits the development to a single point of access that is restricted to right-in/right-out. If Lafayette Boulevard was configured in a different manner and there was an interconnected street network, I think that I'd be more apt to recommend right-in/right-out only.

Challenges to enforcement (driver adherence) to the turn restriction. The developer's plan (as of mid-November) shows a directional driveway island to manage vehicular movements from the southernmost driveway for the site. Lafayette Boulevard does not have a raised curb or other barrier type median in the location where the driveway is proposed. Directional islands (when not combined with a divided intersecting street), similar to that shown on the developer's plan have proven, in many locations across the country, to be ineffective in preventing left turns to and from intersecting streets (in this case, Lafayette Boulevard). Even with narrow entry and exit aisles adjacent to the island, the combination of the width of the driveway and intersecting street, height of the island, and maneuverability of most passenger cars and small trucks allows most vehicles to easily continue to make illegal left turns. Signage could be installed to advise drivers as to the no left-turn condition; however, without significant enforcement, the signage is likely to be ignored. Theoretically, the directional island could be designed to angle entering and existing vehicles in a manner that would cause them to have to U-turn to make a left-turn into and out of the driveway, but this type of configuration creates other challenges with regard to entering speeds (to the driveway) and exiting sight distance and merge movements. The best practical method to restrict left turns at a driveway similar to that planned would be to install flex posts (low cost) or a raised curb median (high cost) along a section of Lafayette Boulevard in the vicinity of the proposed driveway.

Difficulty in site access. If the driveway were restricted to right-in/right-out, inevitably, people would look to turn right and then U-turn where possible. There are few locations where legal (on public roadways and property) and safe U-turns can be made along Lafayette Boulevard today. (Staff agrees with this point but further notes that we cannot think of any locations between the B/G Parkway and 4 Mile Fork where U-turns can be safely accomplished.) When Lafayette Boulevard is widened in the future and if the design includes the Lafayette Boulevard Corridor Study suggested median, U-turns will be able to be safely and conveniently made along the entirety of the corridor. Prior to the ultimate cross section being implemented, U-turns will be geometrically challenging along the corridor. Without conducting detailed analyses, a planning-level assumption (practical assumption) for traffic patterns related to the development would be that traffic is largely destined to the north – to Blue/Grey Parkway, I-95 north (ultimately), downtown, and Route 3. If the site were to only have right-in/right-out access, traffic destined to the north would have to turn right (southbound) out of the development and use an existing street such as Twin Lake Drive to access US 1 (and ultimately the other roadways indicated previously) and destinations to the north OR traffic would have to turn right and travel south on Lafayette Boulevard and make a U-turn (or a right, a U-turn, and then left) using an existing public street or commercial parking lot or driveway.

Potential of diverted traffic pattern to impact nearby streets. When access is limited for a driveway along a street, traffic patterns must adjust. This adjustment where there is limited street network connectivity often means that traffic is diverted to the nearest adjacent street that can provide the desired level of connectivity. Essentially, diverted traffic from one location becomes cut-through traffic at another location. In the development's situation, it is likely that the diverted traffic could end-up on Twin Lake Drive. While Twin Lake Drive is a public street, it has

historically had negative cut-through traffic issues and in response to those issues, the city designed and installed traffic calming. It is likely that it would be undesirable for the Twin Lake community to be impacted by the proposed development's new site trips.

Potential negate impact to (increased response time?) emergency access. While fire and other emergency vehicles can, and would ultimately drive around or over most medians or other directional devices at driveways to reach the scene of an emergency efficiently, a limitation in vehicular access could have the unintended impact of slowing or altering emergency response.

The attached letter from Councilman Howe notes his concerns with adding additional vehicular traffic onto Lafayette Boulevard and his opinion that the cluster subdivision does not meet the criteria for a cluster subdivision.

Cluster subdivisions are permitted in the R-4 zoning district subject to the following criteria found in Sec. 78-246.1:

- (1) The minimum area of a cluster development shall be sufficient to accommodate at least five lots or dwelling units plus minimum required open space.
- (2) The maximum density specified for the applicable district shall not be increased, nor shall the other applicable regulations or use limitations for the district be modified or changed, nor shall any lot be extended into the floodplain.
- (3) The design shall provide for permanent reservation of open space and efficient and improved use of land. Building sites shall be located so as to take advantage of natural topography and to minimize grading and destruction of natural vegetation, particularly mature trees on steep slopes and stream valleys. Plans shall not be approved where the clear purpose of the design is to subvert the purposes of these regulations by inclusion of unbalanced distribution of land among lots or inclusion of open space which are inappropriately located or which will not contribute to the future amenity of the development.
- (4) The cluster development shall be designed to promote harmonious relationships with surrounding adjacent land, nearby developed or underdeveloped properties, and to this end may employ such design techniques as may be appropriate in a particular case, including coordination of yard dimensions, location of lots of various sizes, location of buildings with respect to project boundary lines, open spaces, and maintenance of vegetation.
- (5) A minimum of 25 percent of the subject tract shall be designated as permanent common open space contained within one continuous parcel. Such land may include parks, woodlands, steep slopes, floodplains, or any natural feature appropriate for preservation, provided however, that no more than 30 percent of the required open space shall consist of floodplain or steep slope areas. The open space shall be conveyed to a responsible party such as a homeowner's association for long-term care and maintenance.

- (6) The land area to be set aside for common area space shall be so located and shaped as to have a logical and mutually beneficial relationship to additional open space in an adjacent tract whenever practical.

Commission members must find that the cluster subdivision design meets all six criteria and if not, the applicant must redesign the subdivision to meet the yard requirements of a "conventional subdivision". The following yard requirements note the difference in setbacks, lot size and open space in conventional and cluster subdivisions.

Minimum lot area:

- a. Conventional subdivision lots, 8,400 square feet.
- b. Cluster subdivision lots, 6,000 square feet.

Minimum yard requirements:

Conventional subdivision site:

Cluster subdivision site:

- | | |
|-------------------------|--------------------------|
| a. Front yard, 30 feet. | a. Front yard, 24 feet |
| b. Side yard, ten feet. | b. Side yard, eight feet |
| c. Rear yard, 25 feet. | c. Rear yard, 25 feet |

Minimum Open Space:

Conventional subdivision: none

Cluster subdivision: 25 percent

Mr. Howe notes in the letter his objections to the cluster design and notes most notably that the common open space is not one continuous parcel. At the time the first layout of the property was submitted it included one vehicular access point that bisected the common open space near Lafayette Boulevard. Since that time, a new road providing a second vehicular access point has been added to the subdivision and this road also bisects the common open space. It now appears that the common open space provided is not one continuous parcel.

If Commission members find that the proposed cluster subdivision does not meet this criterion, the applicant must redesign the subdivision to meet this criterion or in the alternative, the yard requirements of a "conventional subdivision".

Mr. Ocel noted that he had handed out the following documents at the commencement of the meeting

- letter from the National Park Service, dated December 7, 2010 (ATTACHMENT – A)
- additional condition should the application be approved
- e-mail from Janine Stier of 4 Browns Lane, Fredericksburg, VA 22401, which Councilman Howe had received and ask that it be distributed to Commissioners.

The Planning Commission asked that the meeting Minutes reflect its concerns in a detailed manner. Following is a verbatim account of what was discussed regarding the Fredericksburg Park Subdivision application.

Mr. Whelan: "I have a question for Mr. Ocel. Can you explain a little bit about the cluster zoning versus the traditional zoning, as far as the lot yields? I think my understanding of a cluster development would be that more houses could be put in a smaller footprint to allow for more open space. What is the difference in the yield of houses?"

Mr. Ocel: "In the R-4 zoning district there is two options. You can do what is a conventional subdivision, which requires minimum lot sizes of 8400 square feet. Side yard setbacks of 10 feet and rear and front yards of 25 feet. There is no open space requirement for a conventional subdivision. For a cluster subdivision that lot size is reduced to a 6000 square foot minimum. Side yard setbacks are reduced. The requirement for open space for a cluster is 25%. So, probably the biggest difference there is required open space with the cluster and no required open space for the conventional subdivision, and then the lot sizes. To answer your second question, I don't know what the yield would be from the difference between the cluster, which now stands at 88 lots, versus the conventional. Of course, while the lot sizes grow bigger with the conventional subdivision, they don't have the open space requirement so you can take into account of using that for lots, but I don't know the answer to how many less lots that would be."

Mr. Whelan: "That's okay. The trade off is to have more open, usable space in lieu of the traditional, which would mean less of a yield."

Mr. Ocel: "Right. Again, it's open space. We don't have a requirement for it to be improved, so there is not a requirement for a tot lot for example. It is simply supposed to be open space."

Dr. Gratz: "We got a letter here from Councilman Howe noting some of his concerns. I am wondering how those have been addressed or have they been addressed by anyone. Particularly, requesting a dedication of right-of-way to widen Lafayette Boulevard. Do you know if there has been any discussion of that?"

Mr. Ocel: "Actually, Doug and I have discussed that. Looking at the subdivision plat, on the sheet that is entitled Existing Conditions, Sheet C-3. And this is going to be hard to see, but if you look at the area of Lafayette Boulevard to the south of the power line easement there is a dark right of way line/property line there but the actual road itself, edge of pavement, is located into the roadway area where the dash line is. Looking at that and not knowing exactly what the built right-of-way is going to need to be for the Lafayette Boulevard future road plans and owning to the fact that as you travel further south, going toward St. Paul Street, you've got a small subdivision off of St. Paul Street and you've got a lot right at the corner of St. Paul and Lafayette Boulevard, so you're not going to be taking a lane through that property. Therefore, it looks like what's available here now on the plan with the right-of-way that's already available and unused, that that area is probably wide enough to accommodate future improvements within the right-of-way. I won't know exactly until that Lafayette Boulevard plan is designed."

Dr. Gratz: "That's just south of that southern entrance, but what about the northern section, from there up to the Blue/Grey Parkway? Is there sufficient room there to widen Lafayette Boulevard?"

Mr. Ocel: "Towards Blue/Grey Parkway, the industrially zoned piece of the property, that is not part of this application. When we get the rezoning application, which we will get some time in the future, then we would address that issue of future right-of-way requirements for improvements."

Dr. Gratz: "But even between the two entrances, is there sufficient room there to widen it? It does not look like it on here, but..."

Mr. Ocel: "The property that's called Remainder A?"

Dr. Gratz: "Right."

Mr. Ocel: "That again is still part of the industrial zoning of the property and we would be looking at it, again, at the time of the rezoning -- get right of way on that property. We've discussed that with the applicant. They know that when we go forward we are going to be looking for not only right-of-way dedication but also road improvements on that property because we can't go to the other side of Lafayette Boulevard because of the Park Service property and not being able to make improvements on that side of the road."

Mr. McAfee: "Does that conclude your questions, Mr. Gratz?"

Dr. Gratz: "Well, of course there is the question from Mr. Howe about whether or not this in fact is in compliance with the cluster subdivision requirement because the 25% open space is not contiguous and is broken up by the roads in there. Has that been addressed or has anyone talked about that?"

Mr. Ocel: "We have discussed that. As you now the open space is located along, part of its along the southern part of the property, it wraps around towards the Lafayette Boulevard side and then heads up through the power lines toward Alum Spring Road. So, in a sense, it is one open space, but it is bisected by the two roads. Again, this is part of the Planning Commission's analysis of the cluster subdivision criteria where the Commission can make that determination that it is not one continuous piece, that it's bisected by the two roads."

Mr. Mitchell: "Mr. Chairman. Along those lines, staff has recommended addition of easements to access into that open space. Has the applicant agreed to that? Was that meant to mitigate the fact that it was bisected by a couple roads?"

Mr. Ocel: "I talked to the applicant's engineer about that and we can ask him to address that this evening but he didn't think that would be an issue with his clients to do that. That's something that is fairly ordinary in subdivisions when you are trying to get back to open space that there will be a pedestrian access easement between properties. Sometimes it's improved with pavement, sometimes it could be a pebble path, woodchip, something like that. In this case, I think just having the access easement along the common property line, five-feet wide, to get back to the open space would be sufficient and it is less intrusive on the property than having an actual improvement there like a piece of asphalt."

Mr. Mitchell: "Mr. Chairman, could you ask the applicants if they are agreeable to those access points that Mr. Ocel has recommended?"

Mr. McAfee: "Would the applicant come to the podium, please? Are you prepared to address the question?"

Mr. Hunter Greenlaw: "Yes, Mr. Chairman. The answer is yes."

Dr. Gratz: "I'm sorry, I forgot there is at least one other question that I forgot to ask Mr. Ocel and that is the location of the stormwater management. I think if I understand it correctly, it's located

up there on the upper right hand corner of the lot, underneath the power lines. Is that the stormwater management area?"

Mr. Ocel: "I'll ask Kevin to answer that because he deals with the stormwater management part of the application."

Mr. Utt: "Yes."

Dr. Gratz: "Now is there any problem with that access area that you recommended condition we put between lots 4 and 5, because that dumps right out, right at the entrance of that stormwater management. Is there a problem with that?"

Mr. Utt: "I'm sorry, what?"

Dr. Gratz: "Mr. Ocel has as a recommendation as a condition for this that we condition an access area to the open space between lots 4 and 5 but that would come out right at where the stormwater management area is so is that something that is likely to be useful to people to be able to get into the open space but they are going to get into it right at the stormwater management area."

Mr. Utt: "I would safely assume that it is a safe place to access the open space there through, even though it is next to that stormwater facility, without causing any issues."

Mr. Ocel: "Two points there is that what you see there for the stormwater management area has not been engineered, it's just approximate. It could be smaller, it could be larger, but there's nothing magic about the access easement that has to be between lots 4 and 5, we could move it down between lots 5 and 6 and I believe it would accomplish the same thing."

Dr. Gratz: "That's what I was thinking when I looked at it is whether it should be at another place down there so it wouldn't come out right where that stormwater management is."

Mr. Ocel: "I think like Kevin said, between 4 and 5 is probably okay, but since the pond has not been designed, to be on the safe side, shift it down between lots 5 and 6."

Mr. Whelan: "Stormwater will most likely be underground and the access would be above ground so it probably would not interfere."

Mr. Utt: "I'm not sure if Welford Engineering has finalized what type of facility we are putting there. The engineer is present if he'd care to address that."

Mr. Whelan: "I do have some questions for the engineer when...."

Mr. McAfee: "Mr. Welford, would you mind?"

Mr. Welford: "The first question related whether the access point can be between lots 5 and 6, the answer is yes. Mr. Ocel correctly stated we have not done the design so we don't know how big it is and it could have a different shape. It will depend on topography, it will depend on where the outlet structure is, and it will depend on how much volume of water we have to hold back. We can move the access point if you want us to, I'm sure that will be fine. One of the things we had said was that since there is likely to be an underground piping network to take the water to the

pond, and since that ground would be disturbed by the construction, we would probably put the access point there as well, so that is probably what we will do. I can't yet answer the question as to whether it will be above ground or below ground. My expectation is that it will be an open stormwater facility as opposed to a closed one. Again, we have not done the design but my expectation is it will be an open facility – probably a dry pond. We have to meet the City's new stormwater ordinances, so that is why we have to go through the design to figure out how to reintroduce water into the ground and determine what the best approach is."

Mr. McAfee: "Does that answer your question, Mr. Whelan?"

Mr. Whelan: "I have a question not related to that. As far as design, and I know you have not done the design yet, but I am looking at the vertical grade difference from the top of the property to the bottom and it is about a 100 foot drop, and I don't see any retaining walls, or how you are going to address that 100 foot drop from the top to the bottom and maintaining a 5% slope for your roads. I see a problem there and I am just wondering if you have considered the retaining walls to go through the project."

Mr. Welford: "We did some early grading studies and while there is a significant grade difference, we did not see the need immediately for large retaining walls. This site will be largely over lot graded because of the size of the parcels and because of some of the angulations in the grades that were left from when the mine site was reclaimed. So some of the grades will be smoothed out a little bit. There may be some steeper points off the back of lots and such to take care of grades but we really don't know the answer to whether there will specifically be retaining walls at any locations. We'd like to not have them but we just don't know yet."

Mr. Whelan: "I don't see how you can do it without retaining walls, but, you are the engineer."

Mr. Ocel: "One thing to address that is that under this scenario if the preliminary plat were to be approved by the Commission, then the next step would be for the preparation of the final subdivision plat and construction plans. And more than likely with those construction plans, because they will have to show the grading, we'll know if retaining walls are required and what locations."

Dr. Gratz: "In looking at this, I am now a little bit confused as to what property we are really talking about here because 25% of the property, or whatever the exact figure is, is supposed to be open space. What is the border of this property, according to this map that we are actually discussing? What is the 25% that's uh, I was assuming that Remainder A, Remainder B, plus that open space where the main seeming property line goes around this map was all part of this one property. But actually you said something a bit earlier about Remainder A, Remainder B, or part of the other property, so we would be actually approving a road through some property that we haven't discussed at this point. And then, the open space, now that I look at it, think about it, I see just the part that is listed as open space is actually what we are talking about as the open space for this property, is that correct?"

Mr. Ocel: "Right."

Dr. Gratz: "So is it appropriate for us to be approving a road for that other part of the property at this point?"

Mr. Ocel: "Yes, you can do that. Obviously, it's the same property owner that owns the parcel with the application for the subdivision and also owns the balance of the property."

Dr. Gratz: "Where is the zoning change, which one of these lines on here?"

Mr. Ocel: "If you are looking at sheet C-4, you had mentioned the title Remainder B, if you look about that and to the left a little bit there is a line there and it is listed as zone R-4 and underneath zone I-1, so that is your zoning break line on the property. The heavy dark property line between that term and Remainder B is the northern property line to the subdivision."

Dr. Gratz: "Okay."

Mr. McAfee: "Other questions?"

Ms. Spears: "If I could just ask a little bit more around when the engineers looked at the safety on access on coming out there on Lafayette. I just want to hear a little bit more detail about that since I have had people comment to me about whether a light should go in and what is going to happen there with traffic and impacts and accidents."

Mr. McAfee: "Mr. Welford, would you like to address that?"

Mr. Ocel: "Also, Mr. Fawcett is here to answer questions from the staff side."

Mr. Welford: "I'll try my best to answer that. I am not a traffic engineer per se and so Doug may want to chime in on some of the things that Kimley Horne said. We really had a couple of choices to access this property. We have frontage at the extreme southern end of the property, where the right in, right out is shown. And then the other access point to the property is Alum Springs Road. We know that Alum Springs Road is currently a dangerous intersection and we felt it was inappropriate to have vehicles exiting from our subdivision out on to the existing Alum Springs Road intersection until such time as that intersection is improved in the future. That is why when we first came in we had a single entrance to the property and it was at the most southern end of the property. We came forward with that plan and the City expressed a concern to us that they felt that that was not the best location to access the site and they asked us to consider a second access point into the property so that left turning vehicles leaving the subdivision would do so closer toward the center of the property. That is when we started to look at a number of locations to place that intersection and to place it today with an eye toward the future for what that condition might be should the commercial property develop as a larger user. And so we actually looked at four different locations for where to put the intersection that's the more northern intersection. That is information that we met with Kimley Horne to talk about. Where was the best location for that intersection to be placed, particularly, as it related to folks leaving the subdivision making a left hand turn toward the City because if we just had right in, right out from the subdivision and you wished to go downtown, you would have to go south on Lafayette Boulevard, turn around and come back, or go down to Twin Lakes Road and come back a different way and none of us felt that was practical. So while both intersection locations meet the site distance requirements and so forth, it was felt that the location that we chose for the second intersection was the most appropriate and the safest and the most respectful of the concerns that were raised by the park service. Keep in mind when we looked at intersection locations, we looked at the condition associated with this plan and then we looked at what that intersection might look like at some point in the future because the question had been raised, could you signalize the intersection into the subdivision today. The answer to that was no. We had already consulted with Kimley Horne previously and they told us that that location would not meet traffic warrants and so therefore the City would not permit a signal, and appropriately so, that is the correct answer. By moving the intersection down, by tying it in with the commercial property, the City feels, and my client feels, that we have a centralized point of access to the property that in the future will be signalized for the jump start development of the property. There will probably be a right in down near the old Alum Springs Road intersection and that condition will be improved in

the future, and there will be a right in, right out, at the extreme southern end of our property. So we'll have three very well spaced entrances. The distance from the future signalized intersection that is opposite Lee Drive is nicely centered on the overall expanse of the property from the Blue/Grey Parkway intersection with Lafayette so that the intersection spacing is appropriate. As Ray pointed out, the development configuration of the property that remains with the intersection, the location we have shown is most amenable to doing a fairly user there, which the JumpStart program envisions. That is a long answer and I don't know if that fully answers your question. We looked a lot. We looked at many locations, many configurations. We consulted with Kimley Horne, we consulted with the City and conclusion was that the two locations that we have were the best locations."

Ms. Spears: "Thank you."

Mr. McAfee: "Mr. Fawcett, your office has a lot of work and they do a great job with very little resources and I appreciate it and I appreciate you being here tonight to answer our questions. Safety is a major concern and quite frankly if this cannot be done safely, maybe it should not be done. As best you can, would you please address the question that Ms. Spears had and if I need to restate it...how you feel about the safety aspects of where this proposed road is."

Mr. Fawcett: "It would be nice if there was a manual somewhere that we could go to and we could do analysis of a particular proposed entrance to a roadway and if that entrance scored 71 points on that analysis it would be declared safe but if it scored 69 points it would be declared unsafe. Traffic engineering is not that specific. And the reason I start with that statement is, the question is it safe is a difficult one to answer without sounding vague or evasive but I will try to answer it the best I know how. And as I try to anticipate the question and try to answer it, while Mr. Welford was speaking, there are a couple factors related to what is before you tonight that are designed to increase safety in that area. First of all, from a site distance standpoint for turning traffic at the proposed location we believe that the site distance is adequate for turning vehicles at the location that you are considering. Site distance always is a significant factor in safety. It is one factor that if it is inadequate it can turn; it will make all the other factors irrelevant. So, from a site distance standpoint, we believe it is adequate. The second factor is that with both the full service entrance and the right in, right out, toward the southern end of the property, it splits traffic coming in and out of that in a way that reduces queuing for particularly left turn traffic out of the subdivision. By simply splitting the, we've talked about 880-900 trips per day, for example, the main benefit for that would be that those that live near the right in, right out, if they are returning home will most likely go to the southern-most entrance to the subdivision to enter on the right-in piece of the southern-most entrance. Beyond that, as Mr. Welford said, there has not been done an extensive analysis of the traffic. We have approached this from the beginning trying to reach a balance of adequate access, safety, accommodation of the various and sometimes competing interests in that area and I believe that what is proposed to you achieves that. Now, if there are more specific questions, about more specific safety factors, the only other thing I would say is that driver impatience is always a factor and if a driver comes out of this subdivision and wants to take a left to go toward town and is impatient and tries to pull out when they really don't really have enough room given the speed of the approaching vehicles to do so, then that is a problem but that's a factor in any other entrance to any other major street in the City that is similarly located including other subdivisions and neighborhoods along the Lafayette corridor. So, I hope that is responsive and if you have more specific questions, I would be glad to address them."

Mr. McAfee: "Okay, I have another question, but let me see if the Commissioners have any questions about his."

Mr. Lawrence: "When we look at the map, I would imagine that this road will remain the same as far as two lanes going up the hill (south) but it's one lane after you turn off Blue/Grey."

Mr. Fawcett: "It's actually two lanes as you come off the Blue/Grey for about 350 to 400 feet, then it goes into a single lane, there is a gore area painted on the roadway there, then as the gore area disappears going south it turns into one thru lane and one left lane to get to the first entrance of Lee Drive and past that point it goes back into two lanes. Now if your question is will this proposal have any impact on that configuration, the answer is yes it will, because what is proposed for this proposal is the use of what is currently, where the second lane comes back into use going southbound, using a portion of that as a left turn lane northbound into the subdivision. So there is that change of that configuration in that area which is kind of a transitional area and there are multiple transitions."

Mr. McAfee: "Mr. Fawcett, I know you had a couple of meetings since our last meeting with the Planning Commission about this. One I know at least the National Park Service participated in, I believe Mr. Smith, is that correct?"

Mr. Fawcett: "Yes, Mr. Smith participated in the meeting that Ray referenced on the 22nd of November, which I coordinated, which included all of the involved parties -- the developer, his engineer, Mr. Smith, Kimley Horne, Ray and me, so yes, Mr. Smith was at that meeting, yes."

Mr. McAfee: "And the reason I ask is because we have an obligation to make sure due diligence is done for the National Park Service and I just wanted to make sure that meeting was held and that he was present. At that meeting, did Mr. Smith or the National Park Service provide any other resources, any NPS Engineers, or personnel, or was it just Mr. Smith?"

Mr. Fawcett: "It was just Mr. Smith."

Mr. McAfee: "In the past he had mentioned he felt like he was being ganged up on by Engineers. He didn't bring anybody from the NPS to represent his side?"

Mr. Fawcett: "He attended. He was the only staff person or consultant representing the National Park Service at the meeting, that's correct."

Mr. McAfee: "Okay, thank you."

Mr. McAfee: "Other questions of the Commission?"

Mr. McAfee: "I have a couple things. We have two letters that have come in since our last meeting. One from Mr. Smith of the National Park Service... well I guess three letters. One from Fred Howe, one from Mr. Smith and one from Ms. Stier. Mr. Ocel, please make sure to make sure these letters become part of the record. Also, to make sure everyone understands the issues Mr. Howe raised, I wonder if Councilman How would mind addressing the PC and just briefly recapping the letter you sent." (NOTE: The 3 letters referenced are attached to these minutes).

Councilman Howe: "Thank you Mr. Chairman, Commissioners, for the opportunity to address my letter of December 1, my concerns this evening and those of my constituents. I'd first like to say, uh I'd like to be, owe it to the applicant, we're not against the development, we owe it to the applicant early on in the process if we see issues with it before it gets all the way through the process to Council to address this early on that changes can be made. Specifically, based on constituent complaints and living along on the Lafayette Corridor. The impact on the Lafayette corridor, as well as the Park project is significant given there are no roadway improvements. We are going to end up without the Lafayette corridor improvements at any time in the near future funded with an approximately 900 trips per day of vehicles entering the roadway. Currently, I do

that on a daily basis. My major concern is that the Blue/Grey Parkway becomes a parking lot like I-95 has become with people trying to exit southbound, or excuse me, westbound onto Route 3. The loss of what Commissioner Lawrence pointed out earlier of effectively the third lane, Mr. Fawcett pointed out, will what I call as a capacity lane that buys us some time until the Lafayette corridor improvements are made uh really affords a huge problem. Because as I deal with it today, dancing the drive of death trying to get out on a left turn to the City on the Lafayette corridor with a fairly slow pace of traffic uh that's somewhat uh you know, definable, I can see it when it's coming in both directions and I have to make those choices of immediate dance out into the chicken lane, as they call it. When you have a Lafayette corridor with folks heading north down the hill coming around the corner and into those exiting into the chicken lane to turn left, or those exiting out of the development to turn left to the City, uh you have a much faster pace of traffic. I get on there I'm supposed to be doing 25, I know that I'm moving in excess of that coming around the corridor a lot of times, uh but the bigger problem is that we lose that capacity lane. Presently the traffic exits into the park through that lane but the lane is still left open so if we have access traffic on Blue/Grey, uh it in essence has an area to go to, which it does each evening. If we close down that capacity lane and we make a left turn in, right turn in, uh and utilize the capacity lane, then we are left with no place for the traffic to go buy back to a single lane for that entire corridor. I would urge you to drive that corridor in the evening and see what we live. I am not against the development, just to go on record, I will again addressing my letter, draw to the attention of Mr. Ocel the fact that the 25% under the cluster requirements is also contiguous with a transmission line and the improvements in a transmission line are very limited, it's an easement. And, if that is specifically in the captured 25% of that calculation then there is limitation of what can be done within there and it is bisected by a road and so all of the fruits of a cluster subdivision that are being gained here are also somewhat of the sleeves of the vest in the particular case because it's land that cannot be used by the developer, uh very limited since it's a easement, ingress/egress. My recommendation is that we limit it to right turn in, right turn out uh based on the situation we have yes it's not a good situation without question because they will have to turn around as do I to go safely out of the subdivision uh but it will also create major traffic snarls on Lafayette corridor coming off Blue/Grey and Blue/Grey Parkway, our commerce pathway, must be protected. Lafayette is already a mess as everybody knows and we have a number of years before that is going to be addressed. So other than that unless there are any questions, I appreciate the opportunity to address you. The second letter from Janine Stier, a constituent, is a letter I received this evening in preparation of this meeting.

Mr. McAfee: "Thank you. Are there any questions, while we have Mr. Howe here?"

Mr. McAfee: "Ms. Spears."

Ms. Spears: "Thanks for being here, Fred. Just to make sure I heard you right, are you saying that if this was changed to be right-in, right-out, this would be something you might consider supporting?"

Mr. Howe: "Yes, I would. Again, as I pointed out earlier, I am not against the development. Development is part of the Comp Plan, it's all part of our zoning, it's by-right. The specific impact to traffic is my number one concern as well as my constituents in Ward 3."

Ms. Spears: "Thank you."

Mr. McAfee: "Are there any other questions for Mr. Howe? Mr. Ocel."

Mr. Ocel: "I just wanted to clarify that the right-in, and right-out, at the southern entrance which then would negate the need for the entrance down the hill."

Mr. Howe: "Correct, at Lee Drive, that's correct. Single right-in, single right-out at the southern point as on the plan."

Mr. Ocel: "Okay, I just wanted to clarify that and wanted to make sure."

Mr. McAfee: "Thank you."

Mr. McAfee: "Is there anyone from the National Park Service here?" We have Mr. Smith's letter and I have some questions about it. In the last paragraph and I am going to ask Mr. Ocel to address this, he speaks about um well, I'll just read the sentence. "We have considered the various proposals to connect to Lee Drive because we believed that the city's position was that such a connection was vital to the city's interests." The question I have is there a connection to Lee Drive here, I don't see it?"

Mr. Ocel: "A connection to Lee Drive, no. But, a new vehicular access point on the applicant's property across from Lee Drive, yes. That's been Mr. Smith's concern."

Mr. McAfee: "Okay, so the connection that he is speaking of is not the connection of the NPS property."

Mr. Ocel: "No, I don't believe so."

Mr. McAfee: "Alright. It goes on to further say "...we would like to be sure of what the city is asking of us before we proceed further." I know we have asked them to participate in this discussion and debate and I believe he has. Are we asking the National Park Service for anything else?"

Mr. Ocel: "I don't think so. All along, because they are an important neighbour, that we've asked for their input. Doug had mentioned the meeting on the 22nd that we had Mr. Smith at the meeting, there was a meeting, and I'm not sure of the date because I wasn't there, but it was at Mr. Smith's office that Doug participated in along with the applicant. Before that, we had a meeting, again, I am not sure what the date was, sometime after the application was submitted we all, again the same group, met here in the Chambers and went over the application so we have tried to keep him involved and up to date as we have gone through the process. I am not sure that we are asking him for anything more, and Doug correct me if you know of something."

Mr. McAfee: "Okay, so we are not asking him for anything further. At any point has Mr. Smith or the NPS brought any other resources to bear on this, I mean any type of traffic or civil engineer, any other resource?"

Mr. Ocel: "Not that I am aware of. I know, again, when Doug and the applicant met with him in his office, they discussed it and then I think even though he was only person representing the Park Service at that meeting, I believe he went back and talked with the people in his office but I am not sure who all that was or whether any of them were a traffic engineer."

Mr. McAfee: "Thank you, Mr. Ocel. Are there any other questions?"

Mr. Whelan: "I want to say that I appreciate Mr. Howe's comments on the reality of what is going to happen when this is developed in this way and we can't regulate common sense no matter how many rules or regulations we put in. I wanted to ask if this has been brought to VDOT to get their input from it. I know they'll still have to approve this even though it meets the regulations."

Mr. McAfee: "Correct me if I am wrong, Mr. Fawcett. VDOT does not do that for the City, the City is its own entity. In the counties it's different... Yes, Mr. Fawcett, please."

Mr. Fawcett: "We certainly use VDOT regulations and standards as our standards but there is no VDOT approval on projects or changes to the city rights-of-way, of which this is one. The City owns the right-of-way and it's the City's final decision for the use of this right-of-way. Now, the one exception to that would be if we did something that VDOT considered so egregious VDOT does have the opportunity to deny the City state annual maintenance payments on the portion of the roadway that causes the concern. I personally don't see that as an issue in this particular case. So the decision is the City's and although we comply with VDOT standards, there is not final review or veto by VDOT on this issue."

Mr. Whelan: "Thank you. That's good to know."

Mr. McAfee: "Well, I guess it's time. Mr. Ocel, let me reference Councilman Howe's letter. He raises some questions about the compliance with city code for cluster subdivision. You have already spoken about the 25% being bisected, or actually cut into three sections, now with the current road proposal and that is was an objective call on the PC on whether or not they wanted to interpret that strictly or not and we've talked about mitigating that somewhat with the additional accesses to the open space. I think my question here is, if we don't use the cluster development on this, then part of that open space is going to remain because it's a transmission line and part of it is going to remain because it is too steep to develop anyway. Is that correct?"

Mr. Ocel: "Yes, the portion under the power line would remain open. I don't know the requirements under the power line, but I doubt you going to see anything under this application or any rezoning application that you're going to see any building under there. It's going to be open space, it's going to be an area for stormwater management, it could be a surface parking lot, or required parking for the industrial part of the property but you are not going to see buildings under there. You could see some low level landscaping."

Mr. McAfee: "Thank you. What is the pleasure of the Planning Commission?"

Mr. Mitchell: "Mr. Chairman, the applicant appears to have met the letter of the City's Ordinance for Cluster Subdivisions. As far as the access points, I have a tough time going against a professional staff's recommendation. Even after we asked them to re-review, again they came back with a recommendation that calls for those two access points and I am not in a position to go against those professional recommendations. I make a motion for approval of SUB2010-0."

Mr. Lawrence: "Second."

Mr. McAfee: "To be clear here, when you say access, you're talking about the roads."

Mr. Mitchell: "I move approval of the latest plat as submitted with staff recommendations."

Mr. McAfee: "Okay, and are you including in staff recommendations, the latest one for the five foot multiple point accesses?"

Mr. Mitchell: "Yes, Mr. Chairman."

Mr. McAfee: "And is that your second, Mr. Lawrence?"

Mr. Lawrence: "Yes it is."

Mr. McAfee: "Okay, is there further debate?"

Dr. Gratz: "I just want put on the record that I will be voting against this for a couple reasons. The principal one is that I don't see any advantage to the City of this particular design for the property. I understand that it is by-right that they can build R-4 in there but you know this idea of a cluster subdivision, most of that open space couldn't be used anyway so by calling it a cluster subdivision it just allows them to get in some extra lots and jam in more houses cheek by jowl into this property. If it were not a cluster subdivision, most of the open space would still be open space and they'd have fewer houses, which I think would be of an advantage to the City rather than having them jammed in there like that. I don't like think the intersection down there and I don't believe that it is safe. I wish the Park Service would be more amenable to talking about creating a 90 degree intersection between Lee Drive and Lafayette Boulevard so we could have a nice straight 90 degree intersection there with a traffic light. I think until there is a traffic light at that position, it's going to be extremely unsafe with the traffic flying down the hill or flying up the hill and people trying to make left turns. And as someone said, you can't control drive impatience, we all know drivers these days are probably less patient than they ever were and people sitting there trying to make a left turn out of that subdivision into the City are going to be cutting across a very busy road and if the traffic is not flying down the hill it will be coming up the hill and so they are going to be pulling out in front people and I expect we'll have some accidents over there. So at any rate, I don't think this is a good plan for the City and I'll be voting against it."

Mr. McAfee: "Thank you, Mr. Gratz. Any other comments?"

Mr. McAfee: "I'd like to echo Dr. Gratz' sentiment and also add that when I read about cluster subdivisions, cluster development in books like Growing Greener, um the idea of the open space is to add an amenity, the idea of the open space is to capture some of the natural resources that are available on the land and I don't see this particular design doing that and for those reasons, while it certainly does not meet the letter of the code for cluster subdivisions, I don't think it meets the spirit either. Although, I feel that everyone involved has done their utmost to try to hear this and try to come to a reasonable conclusion, I am not comfortable that this is the best that can be done for the City of Fredericksburg. If there is no other discussion, I'll call for the vote."

Motion failed by a vote of 4 – 2, with Commissioners Spears, Whelan, Gratz and McAfee voting against the motion.

Preliminary Subdivision request denied.

OTHER BUSINESS

Planning Commissioner Comment

Mr. McAfee reminded Commissioners of the upcoming Holiday Dinner at his home on December 15th.

Planning Director Comment

Mr. Ocel said he had sent an e-mail inquiring as to the best date for a work session to discuss the Lafayette Boulevard Design Guidelines and said that meeting will take place on January 12th, prior to the regular Public Hearing meeting of the Commission.

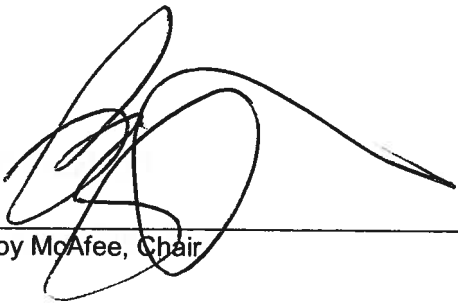
Mr. Ocel said that the City Council had voted to deny the Calvary Christian Center's application for a special use permit to operate a day school.

Mr. Ocel said the City Council held its public hearing on the Watershed Plan and that the item will be coming back before the council on December 14th.

Mr. Ocel noted that the January 12, 2011 Public Hearing will consist of two special exception requests.

ADJOURNMENT

Meeting adjourned at 8:50 p.m.



Roy McAfee, Chair

Frederic N. Howe, III
Councilman / Ward 3



City of Fredericksburg
P.O. Box 7447
Fredericksburg, VA 22404-7447
Telephone: 540 372-1023
Fax: 540 372-1158

December 1, 2010

Fredericksburg Park, LLC

Project Transportation Impact

Dear PC Commissioners,

I am writing you to express my sincere concern as the Council representative for Ward 3 concerning the impact that the application you are currently reviewing (SUP 2010-01), will have on the Lafayette Boulevard corridor and my constituents, as well as all others who use this corridor for daily travel.

The utilization of the third lane (overflow capacity lane) as a turning lane to support this project which is presently handling south bound traffic only on Lafayette Boulevard, supporting the downtown train station patrons and vehicles off the Blue / Gray Parkway, will have a huge negative impact if it is allowed to be utilized. The vehicular traffic exiting off the Blue / Gray Parkway onto Lafayette Boulevard will have nowhere to go in peak periods in the years to come as we wait for Lafayette roadway funding improvements to become available to the City. The Lafayette corridor is already choked with traffic today at peak times and the loss of the third capacity lane will force traffic to remain on Blue / Gray Parkway creating City grid lock at this important intersection like we experience on I-95 South exiting onto Rt. 3 – nightly on our interstate.

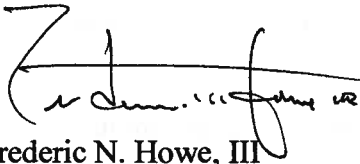
I am requesting that the Planning Commission require the preliminary plat to show the dedication of right of way to widen Lafayette Boulevard where it adjoins the property (78-1112(2)) and to provide for dedication of vehicular turn lanes for traffic entering the subdivision (78-1112(1)). Additionally, please note per the plan application it is estimated there will be approximately 900 trips per day emanating from this subdivision, onto Lafayette Boulevard. I therefore respectfully ask that the Commission not permit the use of the “suicide lane” in the center of Lafayette Boulevard as a left turn-in lane for this proposed subdivision. This will have a negative impact on Lafayette Boulevard, with the existing high traffic volume in this area.

I would further request that the Planning Commission reject this preliminary plat for non-compliance with the cluster residential subdivision requirements in Zoning Ordinance 78-246.1. For example, the proposed building sites do not minimize destruction of natural features such as wetlands. The proposed common area open space is not "one continuous parcel" and it does not include natural features appropriate for preservation (such as wetlands). The proposed open space is essentially a power line easement. It does not include land reasonably useful as park or open space. It would simply convey to the homeowner's association an undevelopable power line easement which cannot even be accessed from most proposed lots. The proposed open space will not "contribute to the future amenity of the development" as provided in 78-246.1(3).

The proposed plat is simply a conventional subdivision with small lots – it is not a true "cluster" subdivision and it does not meet the City's requirements.

In closing, I would like to thank each of you for your careful consideration of my request and for the unselfish dedication of service you provide to your community.

Respectfully,

A handwritten signature in black ink, appearing to read "Frederic N. Howe, III". The signature is stylized with a large initial "F" and a long horizontal stroke.

Frederic N. Howe, III
Councilman Ward 3



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

Fredericksburg and Spotsylvania

National Military Park

120 Chatham Lane

Fredericksburg, Virginia 22405

TAKE
PRIDE IN
AMERICA

December 7, 2010

Planning Commission
City of Fredericksburg
P.O. Box 7447
Fredericksburg, VA 22404

Dear Mr. Chairman & Commission Members:

Thank you for another opportunity to comment on the Fredericksburg Park project as it relates to Fredericksburg & Spotsylvania National Military Park. I regret that I cannot be with you to comment on this issue in person.

We have dealt with this issue for some weeks now and I would like to commend all parties for their patience, courtesy, and cooperation.

Our position remains as it has from the beginning. Knowing that the initially proposed un-signalized intersection at Lee Drive will grow to become a multi-lane signalized intersection, we believe that it will have serious impacts on the historic values and aesthetic qualities of the Lee Drive entrance and degrade the visitor experience. While highway engineers have assured us that the intersection can be made to work, it would, nevertheless, have a major impact on traffic flow in an already crowded area.

We worked closely with FAMPO on the Lafayette Blvd. development plan, a plan that was approved by the city both to improve safety and to enhance the appearance of one of the city's major gateways. That is the scenario which we believe will ultimately be the best solution for access to what has been called the Roper Property. Although highway funds are tight right now, there seems to be a case for funding the plan in segments and making the Blue-Gray Parkway segment a high priority.

We have considered the various proposals to connect to Lee Drive because we believed that the city's position was that such a connection was vital to the city's interests. We now find that assumption may not be correct. We are willing to work hard to be cooperative, but we would like to be sure of what the city is asking of us before we proceed further.

Sincerely,

Russell P. Smith
Russell P. Smith
Superintendent

fredhowe@utilitypros.com

From: janine.stier@navy.mil

Sent: Wednesday, December 08, 2010 10:06 AM

To: fnhowe@fredericksburgva.gov

Subject: Website Comment - Subdivision at Lafayette and BG Pkwy

The following has been submitted from Fredericksburgva.gov.

Name: Janine Stier

E-mail address: janine.stier@navy.mil

Phone: 202-433-5159

Subject: Subdivision at Lafayette and BG Pkwy

Question or Comment: Councilman Howe, My husband Paul and I thank you for standing against a subdivision at this location that would have one entrance/exit onto Lafayette BLVD. Thank you for standing as the voice of reason for us. We travel that route daily and can't imagine an entrance/exit onto Lafayette as the only entrance/exit from that parcel of land. I support you and Matt Kelly's position (as written on his blog). We need to keep in mind our future goals as a developing community and not bow to pressure in poor economic times. If we keep in mind that our vision is founded in common sense and remember that we have precious few undeveloped parcels to add to our community character, we can enable the tract to be developed to the benefit of Fredericksburg, matching the FAMPO vision for Lafayette and the future planning guidelines in the Comprehensive Plan. We need to value our assets and be the driver of how our city develops like a parent is bound to shape the growth of a child and a steward is bound to protect. We are at a critical path in our city's growth. We, as the citizens, council members, and developers of this city must work together to ensure the best possible development plan for that piece of property. This is going to sound severe, but I will recommend it anyhow as an answer to addressing the most common sense location of a second entrance/exit out of that parcel: Why is there not a way that we can take by eminent domain what is needed to run a service road to the Greenbrier/BG Parkway intersection? While I am not a fan of this process broadly used, it seems that the linking of that parcel to that intersection as a second entrance/exit is the only common sense approach to any kind of mixed use development of that property. If a development with one entrance/exit onto Lafayette is the only kind that can be built at that location, then we need to come together and develop a zoning plan for that corner that keeps projected traffic flow to the max that can safely be handled exiting and entering that area. v/r Janine and Paul Stier 4 Browns Lane Fredericksburg, VA 22401 540-361-1969 (H) 202-433-5159 (W)

